

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL AUGUSTINE SOLIS,

Defendant.

**Government Attachment A**

Government's Response to Defendant's  
Motion to Withdraw Guilty Plea

Case No.: 2:20-CR-00179-TOR-2

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

DOCKET NO. 1:20-cr-37

vs.

DANIEL AUGUSTINE SOLIS,

Defendant.

TRANSCRIPT OF CHANGE OF PLEA HEARING

BEFORE THE HONORABLE ROBERT J. JONKER, CHIEF JUDGE

GRAND RAPIDS, MICHIGAN

June 15, 2020

Court Reporter: Glenda Trexler  
Official Court Reporter  
United States District Court  
685 Federal Building  
110 Michigan Street, N.W.  
Grand Rapids, Michigan 49503

Proceedings reported by stenotype, transcript produced by  
computer-aided transcription.

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\* \* \* \* \*

Grand Rapids, Michigan

June 15, 2020

3:01 p.m.

P R O C E E D I N G S

*THE COURT:* We're here on the case of the  
United States against Daniel Solis, 1:20-cr-37. We have an  
anticipated change of plea. And let's start with appearances,  
please.

*MR. MEKARU:* Good afternoon, Your Honor,  
Daniel Mekaru on behalf of the United States. With me today is  
FBI Special Agent Peter Ellis.

*THE COURT:* All right. Thank you.

*MS. NIEUWENHUIS:* And Helen Nieuwenhuis on behalf of

1 Mr. Solis, Your Honor, and Mr. Solis is here and seated to my  
2 right.

3 *THE COURT:* All right. And your client's intent is  
4 to enter a plea of guilty today?

5 *MS. NIEUWENHUIS:* That is correct, Your Honor.

6 *THE COURT:* My understanding is there's no plea  
7 agreement, at least in writing; is that right?

8 *MS. NIEUWENHUIS:* Correct.

9 *THE COURT:* Is there anything we should know about  
10 any oral commitments of any kind from your perspective,  
11 Ms. Nieuwenhuis?

12 *MS. NIEUWENHUIS:* None other than I believe that the  
13 government is going to agree that this is a timely plea.

14 *THE COURT:* All right. Mr. Mekaru.

15 *MR. MEKARU:* That would be fair, Your Honor. It's  
16 not necessarily an agreement, but clearly the circumstances  
17 present that this is a timely plea.

18 *THE COURT:* Fair enough. Very good.

19 Mr. Solis, and actually counsel too, if you want to  
20 just stay seated where you are, with or without masks, feel  
21 free to do that today. I know it doesn't come naturally, to  
22 lawyers especially, to sit down in court, but it's a lot easier  
23 to access the microphones, and we're all trying to do this in a  
24 way that keeps people as comfortable and safe as possible in  
25 COVID days.

1 Mr. Solis, you don't have to proceed with a guilty  
2 plea today. You don't have to say anything at all. If you do  
3 want to proceed with a guilty plea, and that's what your lawyer  
4 expects, I'm going to have to have you sworn in, and then I'm  
5 going to have some questions for you that you'll have to answer  
6 under oath subject to penalty of perjury.

7 Do you have any questions about that?

8 *THE DEFENDANT:* No, Your Honor.

9 *THE COURT:* All right. We'll have you sworn in. And  
10 you can take the mask off. You should know I'll be able to  
11 hear you even if you want the mask on and you want to speak  
12 through it. So you use your judgment on how you want to  
13 proceed with that today. Okay?

14 *THE DEFENDANT:* Okay.

15 *THE COURT:* Okay. Ms. Bourque will swear you in.

16 *THE CLERK:* Please raise your right hand.

17 DANIEL AUGUSTINE SOLIS

18 *(The oath was administered)*

19 *THE DEFENDANT:* Yes.

20 *THE COURT:* All right. Mr. Solis, how old are you?

21 *THE DEFENDANT:* I'm 28 years old.

22 *THE COURT:* What city do you consider home?

23 *THE DEFENDANT:* Chula Vista, California.

24 *THE COURT:* All right. And what brought you to  
25 Michigan?

1           *THE DEFENDANT:* My grandmother has recently been  
2 diagnosed with Parkinson's.

3           *THE COURT:* I'm sorry to hear that.

4           *THE DEFENDANT:* Yeah, thank you. And I came here  
5 because my cousin that usually helps her out with like the  
6 groceries and the chores and stuff, she just moved in with her  
7 boyfriend. And I haven't seen my grandma in over like  
8 five years, so I took a break from what I was doing back home  
9 and came to visit her and help take care of her a little bit.

10          *THE COURT:* All right. Okay. What had you been  
11 doing back in Chula Vista?

12          *THE DEFENDANT:* I was working at a Navy contracting  
13 company called Core Mechanical. We were doing ventilation  
14 maintenance for the vessels so that they could pass their  
15 in-serve tests. And I was traveling around the world doing  
16 that, and I ended up moving in with this girl that I lived with  
17 for five years and she wanted me to stop traveling, so I quit  
18 that job and worked in Chula Vista at a campground. I was a  
19 supervisor at the campground.

20          *THE COURT:* Okay. And I take it you went to school  
21 in Chula Vista before all of that?

22          *THE DEFENDANT:* I actually dropped out of school when  
23 I was about 15.

24          *THE COURT:* All right. What grade were you in at the  
25 time?

1           *THE DEFENDANT:* Um, I think it was the beginning of  
2 my eleventh-grade year.

3           *THE COURT:* All right. And did you ever finish up a  
4 GED or diploma of any kind?

5           *THE DEFENDANT:* I did not, but I did take an entry  
6 exam at MiraCosta Community College and I was able to take  
7 classes there. I just wasn't able to receive any diplomas  
8 above a GED or a high school diploma until I got one of those.

9           *THE COURT:* All right.

10          *THE DEFENDANT:* But I did do a semester there at that  
11 community college.

12          *THE COURT:* All right. So you certainly feel you can  
13 read at or above a high school level and do math at or above a  
14 high school level and all the rest?

15          *THE DEFENDANT:* Yes.

16          *THE COURT:* Why wouldn't you finish that off? What  
17 would get in your way of just getting the little piece of paper  
18 that says "I can do it"?

19          *THE DEFENDANT:* This is probably going to sound  
20 really dumb, but I want to be like a famous rapper, and also I  
21 feel like achieving life's goals and being able to almost say  
22 that like you did it under like the circumstances that I faced  
23 growing up and then not getting a GED or anything like that  
24 kind of would show people that like you don't have to be like  
25 constrained by your circumstances to succeed, you know.

1           *THE COURT:* All right. So it's --

2           *THE DEFENDANT:* It's kind of silly.

3           *THE COURT:* Well, it's part of the persona you wanted  
4 to create and preserve for yourself.

5           *THE DEFENDANT:* Exactly.

6           *THE COURT:* Okay. Today you're with your lawyer,  
7 Ms. Nieuwenhuis, and she's been appointed to represent you.  
8 Have you been able to talk with her about this case?

9           *THE DEFENDANT:* Yes, we have.

10          *THE COURT:* Has she been able to answer your  
11 questions?

12          *THE DEFENDANT:* Yes.

13          *THE COURT:* Do you need any more time to consult with  
14 her before you make your choice?

15          *THE DEFENDANT:* No.

16          *THE COURT:* Do you feel like you have the information  
17 you need?

18          *THE DEFENDANT:* Yes.

19          *THE COURT:* How long had you been in Michigan, by the  
20 way, before -- we'll talk in more detail about what the  
21 government charge is here -- but before you were at the  
22 J.P. Morgan Bank, according to the government anyway, in  
23 February of 2020, how long were you actually in Michigan?

24          *THE DEFENDANT:* Um, I think about a month and a half,  
25 almost two months maybe.



1           *THE COURT:* All right. So not exactly an auspicious  
2 stay in Michigan so far.

3           *THE DEFENDANT:* No.

4           *THE COURT:* All right. Do you have any questions or  
5 concerns about competence, Ms. Nieuwenhuis?

6           *MS. NIEUWENHUIS:* I do not, Your Honor.

7           *THE COURT:* Mr. Mekaru?

8           *MR. MEKARU:* No, Your Honor.

9           *THE COURT:* Yeah, I don't either. Mr. Solis appears  
10 fully competent to me. He's certainly alert, focused, and  
11 responsive. He's intelligent. You can tell that. And as far  
12 as I'm concerned, he's in a frame of mind and position today to  
13 make the decisions that he needs to make.

14           And now I would like to look at that Indictment with  
15 you because that's the only information I have about your case,  
16 Mr. Solis. And it's a government charge, and I want to make  
17 sure you've been able to go through it with Ms. Nieuwenhuis.

18           You've been able to do that?

19           *THE DEFENDANT:* Yes.

20           *THE COURT:* If you want to go to trial on this, it is  
21 your absolute right. And if we do that, the government is  
22 going to have to prove this to a jury beyond reasonable doubt.

23           Do you understand that?

24           *THE DEFENDANT:* Yes.

25           *THE COURT:* Okay. If you want to plead guilty after

1 we go through all this, that's possible too. Either way,  
2 though, the following things are going to have to be true,  
3 either because you tell me they are true later or because the  
4 government proves them to a jury. There's going to have to be  
5 a showing that back in February of this year in  
6 Kalamazoo County, Michigan, you were at that J.P. Morgan Chase  
7 Bank and took money from the presence of another human being,  
8 not just out of an ATM but from the presence of another human  
9 being; that when you did that the money was in the custody of a  
10 bank or an institution insured by the federal government, the  
11 FDIC in this case; and that you got the money from the presence  
12 of the other person by something the law would consider  
13 intimidation. It doesn't necessarily mean you were nasty or  
14 unruly or vicious but something that a person, like a teller,  
15 would interpret it as "Give me the money or else." That kind  
16 of a thing. There had to be some physical attempt to get that  
17 money from the bank.

18 Those would have to be true or proven by the  
19 government beyond a reasonable doubt if we went to trial.

20 Do you have any questions about those things?

21 *THE DEFENDANT:* No.

22 *THE COURT:* Okay. If you are convicted, either  
23 because we go to trial and you lose or because you plead guilty  
24 today and I accept it, either way, if you're convicted, the  
25 Court is going to have to think about and impose penalties, and

1 that could include imprisonment in this case for anywhere from  
2 nothing to as much as 20 years.

3 Do you understand that?

4 *THE DEFENDANT:* Yes.

5 *THE COURT:* There's also something called supervision  
6 the Court has to consider. It's a period of time that follows  
7 imprisonment where you're back in your community and you live  
8 in the community on rules that the Court sets. If you break  
9 the rules, the Court can send you to prison for that, even if  
10 you don't commit a new crime in the process. And you could be  
11 on supervision like that for up to three years following any  
12 imprisonment.

13 Any questions about that?

14 *THE DEFENDANT:* No.

15 *THE COURT:* There is a series of financial penalties  
16 that you face if you're convicted. One is a special  
17 assessment. It's automatically added to every felony judgment  
18 in federal court, so you'd get a \$100 special assessment. The  
19 Court would have to consider a fine. The fine is in the  
20 Court's discretion. It could be anywhere from nothing to as  
21 much as \$250,000. And finally the Court would impose  
22 restitution. Basically an order that you give back to the  
23 victim, the bank in this case, whatever you wrongfully got.  
24 And according to the government's Indictment at least, that  
25 would be \$7,038.50. So those would be the financial penalties

1 you'd face.

2 Any questions about that?

3 *THE DEFENDANT:* No, Your Honor.

4 *THE COURT:* Okay. Now, those are pretty wide ranges,  
5 especially when you think imprisonment. You know, zero to  
6 20 years for anybody is a pretty wide range, especially when  
7 you're just 28 years old. And you won't get a range of  
8 punishment at sentencing. If you go ahead with this, you'll  
9 get a specific period of imprisonment. And in deciding what  
10 that should be within the range, the Court will begin by  
11 calculating sentencing guidelines.

12 Have you been able to talk with Ms. Nieuwenhuis about  
13 that?

14 *THE DEFENDANT:* Yes, Your Honor.

15 *THE COURT:* Do you have any questions about it for me  
16 today?

17 *THE DEFENDANT:* No, Your Honor.

18 *THE COURT:* There's nothing that I can guarantee you  
19 today on the guidelines, nothing that Ms. Nieuwenhuis can  
20 guarantee you, nothing that Mr. Mekaru can, because none of us  
21 know for sure what your final guideline range will be.

22 Do you understand that?

23 *THE DEFENDANT:* Yes, Your Honor.

24 *THE COURT:* Okay. Let me talk about the process I'll  
25 use in walking through the guidelines, make sure you and

1 Ms. Nieuwenhuis have covered these topics, because the process  
2 I can tell you about.

3 I'm going to come up with two numbers, one called  
4 level of offense, one called criminal history category.

5 Have you been able to talk to your lawyer about  
6 those?

7 *THE DEFENDANT:* Yes, Your Honor.

8 *THE COURT:* Criminal history category will require me  
9 to find out if you have a criminal record. If you do, I'll  
10 find out what you've been convicted of, when, and what the  
11 sentences were. And depending on all that, there will be a  
12 score, a criminal history score. There's a category that lines  
13 up with the score. I is the lowest and VI is the highest. And  
14 I'm going to be figuring out what category you fit into.

15 Have you been able to go through that with  
16 Ms. Nieuwenhuis?

17 *THE DEFENDANT:* Yes, Your Honor.

18 *THE COURT:* On level of offense I'm trying to get  
19 something else. I'm trying to get a comparison for how serious  
20 this criminal activity is when compared to other federal  
21 criminal activity.

22 So every crime in the criminal system has a base  
23 level, a starting point, and that includes this kind of an  
24 offense. A bank robbery offense has a starting point. Then  
25 there will be some factors that aggravate or add to the

1     seriousness and some that subtract or reduce the seriousness,  
2     like timely acceptance of responsibility which you heard the  
3     lawyers talking about at the beginning of this hearing.

4             I'm going to look at all the factors and just do the  
5     math. Start with the base, add anything that's aggravating,  
6     subtract anything under the guidelines in your favor, and come  
7     up with a final level of offense.

8             Again, have you been able to go through that with  
9     Ms. Nieuwenhuis?

10            *THE DEFENDANT:* Yes, Your Honor.

11            *THE COURT:* I'll get the final level of offense and  
12     the criminal history category and put it on a single-page chart  
13     called the guideline chart. Where those things come together,  
14     I have a sentencing or a guideline sentencing range in months  
15     of imprisonment with a low end and a high end.

16            Have you gone through that chart with your lawyer?

17            *THE DEFENDANT:* Yes, Your Honor.

18            *THE COURT:* Do you have any questions about it for  
19     me?

20            *THE DEFENDANT:* No, Your Honor.

21            *THE COURT:* I want to shift -- well, one more thing I  
22     need to talk about on sentencing. So the guideline range is  
23     important. It's a starting point. Starting points are always  
24     important. But it's not the ending point. When it comes to  
25     what the actual sentence should be in your case or any other,

1 I'm still going to have to consider you individually, good and  
2 bad in your 28 years, and then the general purposes of every  
3 sentencing. What's needed, for example, to encourage other  
4 members of the public not to do what you did. What's needed to  
5 encourage you not to do it again. How do I reflect the  
6 seriousness of what happened here in the sentence? Those kinds  
7 of factors can lead me to go either higher or lower than the  
8 guideline range if I think there's a good reason to do it.

9 Do you feel like you and Ms. Nieuwenhuis have been  
10 able to walk through those kinds of things and how they might  
11 affect your sentence?

12 *THE DEFENDANT:* Yes, Your Honor.

13 *THE COURT:* Okay. Any questions for me at all about  
14 how I'll approach sentencing if you go ahead with this?

15 *THE DEFENDANT:* No, Your Honor.

16 *THE COURT:* All right. Let me shift to a totally  
17 different topic, then, and spend some time getting a little  
18 more detailed about the bundle of rights you have today and  
19 that you'll give up if you plead guilty and won't get back in  
20 this case. Because fundamentally that's the presumption of  
21 innocence which protects you now. Which means that in the eyes  
22 of the law you'll stay that way, presumed innocent, unless and  
23 until the government can prove this case to a jury beyond  
24 reasonable doubt. If you do plead guilty, you'll give up your  
25 right to go to jury trial and you won't be able to get it back

1 in this case.

2 Do you understand that?

3 *THE DEFENDANT:* Yes, Your Honor.

4 *THE COURT:* Okay. Have you ever been through a trial  
5 before?

6 *THE DEFENDANT:* No, Your Honor.

7 *THE COURT:* Okay. Someday, whether you become a  
8 rapper in your image or not, you need to go through a trial.  
9 Not necessarily your own. But you need to see how that  
10 unfolds. And if it did unfold in this case for you, we'd start  
11 it like any other trial by picking a jury of 12 people. They  
12 would be from the district we're in, the Western District of  
13 Michigan, and that's the group that would decide your case.

14 The government is the only party at a trial that has  
15 a burden of proof. It's to prove whatever it's charged you  
16 with beyond a reasonable doubt. And to do that the government  
17 has to bring real evidence to court. It can't just rely on the  
18 words of Mr. Mekaru or some other government lawyer. Witnesses  
19 need to come, they are sworn in, they testify publicly and in  
20 your presence, subject to your lawyer's cross-examination. And  
21 any other evidence the government has to present it needs to do  
22 it the same way, publicly and in your presence. Using just  
23 that evidence, the government would have to convince all 12  
24 members of the jury that you're guilty beyond a reasonable  
25 doubt. All of them would have to agree on that before you



1 could be convicted and subjected to the penalties we just  
2 talked about. Today, though, if you plead guilty, you'll give  
3 up that bundle of rights and won't be able to get them back in  
4 this case.

5 Do you have any questions about that?

6 *THE DEFENDANT:* No, Your Honor.

7 *THE COURT:* At the defense side of a trial things are  
8 very different. There's no burden of proof in the eyes of the  
9 law. You don't have to say, do, present, prove anything. You  
10 can just rest on the presumption of innocence. And if that's  
11 what you want to do, I would instruct the jury repeatedly that  
12 it cannot in any way hold it against you in deciding whether  
13 the government proved its case.

14 You would not have to just rest on the presumption of  
15 innocence, though. If you wanted to, you could present your  
16 own evidence, calling witnesses, using the power of this Court  
17 to get your witnesses here if you needed help with that. You  
18 could testify for yourself if you wanted to. And with your  
19 lawyer's help you could present any other evidence that you  
20 think would help defend this charge. And once again, today if  
21 you plead guilty, you'll give those things up and won't get  
22 them back in this case.

23 Do you have any questions about that?

24 *THE DEFENDANT:* No, Your Honor.

25 *THE COURT:* One right you have today that you won't

1 give up no matter what is your right to counsel.

2 Ms. Nieuwenhuis is here with you today. She'll stay with you  
3 for the rest of this hearing and come back and represent you at  
4 sentencing if you go ahead with a guilty plea. But if you want  
5 to go to trial, you won't lose Ms. Nieuwenhuis. She will still  
6 be your lawyer, and she will go with you to trial and represent  
7 you there on the same basis she is right now.

8 Do you have any questions about that?

9 *THE DEFENDANT:* No, Your Honor.

10 *THE COURT:* All right. I asked the lawyers right at  
11 the beginning of this if there was any kind of plea agreement.  
12 They said there isn't. And then they said at Ms. Nieuwenhuis's  
13 urging, "Well, I think the government agrees that this is a  
14 timely plea," which references for lawyers and judges a  
15 guideline issue. If you take acceptance of responsibility by  
16 pleading guilty, normally for guidelines the Court can credit  
17 you two points. If you do it in a way that's early enough for  
18 the government to avoid all the work it has to do to prepare a  
19 case for trial, you can get an extra point off. And what I  
20 understood the lawyers are telling me is they agree if you  
21 plead guilty today, this would be timely even though we're  
22 right on the eve of final pretrial conference.

23 Do you have any questions about that?

24 *THE DEFENDANT:* No, Your Honor.

25 *THE COURT:* And you understand from talking with your

1 lawyer that the third point as I called it is one of the things  
2 you'd get if you complete the plea today?

3 *THE DEFENDANT:* Yes, Your Honor.

4 *THE COURT:* Okay. Other than that, has the  
5 government made any other promises or commitments to you to get  
6 you to plead guilty today, Mr. Solis?

7 *THE DEFENDANT:* No, Your Honor.

8 *THE COURT:* Do you feel like anybody at all has done  
9 that, whether they are from the government or someplace else?

10 *THE DEFENDANT:* No, Your Honor.

11 *THE COURT:* Do you feel like anybody has tried to  
12 pressure you or push you into this against your will?

13 *THE DEFENDANT:* No, Your Honor.

14 *THE COURT:* I think you said your grandma is the  
15 person who brought you here with a recent Parkinson's  
16 diagnosis. Is she still able to talk and communicate?

17 *THE DEFENDANT:* Yes.

18 *THE COURT:* Have you been able to talk with her about  
19 this?

20 *THE DEFENDANT:* Yes.

21 *THE COURT:* I'm sure neither one of you hoped for or  
22 envisioned this when you came to Michigan, but you've been able  
23 to stay in touch at some level?

24 *THE DEFENDANT:* Yes, Your Honor.

25 *THE COURT:* Okay. Do you have any questions for me?

1           *THE DEFENDANT:* No, Your Honor.

2           *THE COURT:* Ms. Nieuwenhuis, anything else you want  
3 me to explore?

4           *MS. NIEUWENHUIS:* No, Your Honor.

5           *THE COURT:* Mr. Mekaru, anything else?

6           *MR. MEKARU:* No, Your Honor.

7           *THE COURT:* All right. Mr. Solis, I'm going to go  
8 back to that charging document, the Indictment, that charges  
9 you with bank robbery in Kalamazoo County in February of this  
10 year and ask you how you plead, guilty or not guilty?

11           *THE DEFENDANT:* Guilty, Your Honor.

12           *THE COURT:* It's a decision you make strictly of your  
13 own free will?

14           *THE DEFENDANT:* Yes, Your Honor.

15           *THE COURT:* You understand if I accept it in a  
16 minute, you're going to be judged guilty today of this federal  
17 offense?

18           *THE DEFENDANT:* Yes, Your Honor.

19           *THE COURT:* And that will mean the only thing left to  
20 do in your case is sentencing on a later date. Do you  
21 understand that?

22           *THE DEFENDANT:* Yes, Your Honor.

23           *THE COURT:* Sentencing can include imprisonment for  
24 anywhere from zero up to 20 years.

25           Do you understand that too?

1           *THE DEFENDANT:* Yes, Your Honor.

2           *THE COURT:* And do you feel ready to take on that  
3 risk today?

4           *THE DEFENDANT:* Yes, Your Honor.

5           *THE COURT:* Okay. I do believe that Mr. Solis is  
6 tendering a plea of guilty that's proper in all respects. I  
7 think he is certainly doing it voluntarily. I think he's doing  
8 it with full information and understanding about the rights he  
9 has and is giving up. What he's getting as well. About the  
10 comparative risks of going forward to trial or proceeding today  
11 with a plea. I'm satisfied he's made that choice based only on  
12 his own freewill judgment about what's best for him. I don't  
13 see any indication of threats, coercion, or other improper  
14 influence. And I don't see any indication of undisclosed  
15 promises. So the tender of the plea is proper.

16           Leaving only the question of what happened. You  
17 remember being in Kalamazoo back in February, I take it?

18           *THE DEFENDANT:* Yes, February 12th, I believe.

19           *THE COURT:* All right. And did you in fact go to the  
20 J.P. Morgan Chase Bank at that point?

21           *THE DEFENDANT:* Yes, I did.

22           *THE COURT:* Okay. What happened when you went to the  
23 bank?

24           *THE DEFENDANT:* I went in, there was two people in  
25 front of me doing a transaction with the teller, so I waited.

1 When I got -- it was my turn, I got up to the front, I passed a  
2 demand note demanding \$50,000 from the bank and some other  
3 instructions in there. And the teller gave me seven grand  
4 roughly, and I put the money in my backpack and I left the  
5 bank.

6 *THE COURT:* All right. Was there a threat on the  
7 note or did it just say "Please give me \$50,000"?

8 *THE DEFENDANT:* Yeah, there was no threat on the  
9 note. It said, "Give me \$50,000." And I think there was  
10 instructions for the money to be like spendable and like  
11 unmarked. And also I requested that the teller not alert  
12 anybody about the transaction.

13 *THE COURT:* All right. So it's February in Michigan,  
14 and unlike Chula Vista, California, it's usually cold in  
15 February. Were you masked up? Hats? How were you dressed?

16 *THE DEFENDANT:* No mask. I was just wearing what I  
17 would usually wear on a regular day.

18 *THE COURT:* Okay.

19 *THE DEFENDANT:* I had a coat, a jacket on, I think.

20 *THE COURT:* Did you think they would just hand it to  
21 you? I mean, what kind of an impression or persona did you try  
22 to convey to the teller to get money, 50,000 bucks' worth?

23 *THE DEFENDANT:* I had actually heard from a friend of  
24 mine, his sister is a bank teller, and she had told me years  
25 and years ago she had a job interview at a bank and she was

1 being like trained or something and they had told her that if  
2 someone gives them a note, like it really doesn't matter what  
3 the note says, like they are kind of just instructed to just do  
4 what the note says. And I forgot what it was, I think I was  
5 watching a commercial on TV about a bank or something like that  
6 and I remembered what she had said, and I think out of just  
7 really, really, really dumb curiosity I went in to try and see  
8 if you could actually get money doing that from a bank. And  
9 sure enough -- when I was giving the guy the note, I wasn't  
10 sure what to expect. If he was going to, you know, tell me to  
11 leave, like look at me dumb and tell me to get out of the bank.  
12 Or I wasn't sure what to expect. And when he gave me the  
13 money, I kind of thought to myself like "Wait a minute, like  
14 maybe I should just give it back to him," but then also I was  
15 kind of excited about having that much money, so I left with  
16 it, and then sure enough . . .

17 *THE COURT:* All right. Okay. How did you settle on  
18 50,000 to put in the note?

19 *THE DEFENDANT:* Um, it seemed like a reasonable  
20 number for me to be satisfied with, I guess. I thought --  
21 because my expectation was if I was going to get money from the  
22 bank, you know, 50,000 was -- is a lot of money. So I thought  
23 maybe -- I was -- just a random number kind of. I thought  
24 maybe more than 50,000. I don't know how much money banks hold  
25 at one time, so . . .

1           *THE COURT:* All right. And did you pick J.P. Morgan  
2 just because it was close to where you were or was there some  
3 other reason for that?

4           *THE DEFENDANT:* Well, this is actually kind of an  
5 interesting story as well. I had at one time emailed the board  
6 of Chase Bank along with the director of Chase Bank, and I had  
7 sent them an email kind of asking them about like faith in God  
8 because they had sent me an offer in the mail for a credit card  
9 and the advertisement for the credit card said -- said  
10 something very, very similar to a Bible verse that I was  
11 familiar with, so I was wondering if it was like related,  
12 you know. And I know on money it says "In God we -- or in God  
13 we trust." On money it says that. So I thought like if there  
14 was a correlation between God, faith, and, you know, money.

15           So I had sent -- I think his name was Jamie Dimon --  
16 and the other board members of Chase Bank an email referring to  
17 a question about that, and his secretary called me back and  
18 left a voicemail on my cell phone and told me to contact her.  
19 So I contacted his secretary, and we talked a little bit about  
20 my question, and she said that the bank actually wasn't allowed  
21 to discuss religious points of view, which was the ultimate  
22 answer to my question, but then she also said like, "Hey, also,  
23 are you surprised that we actually are, you know, contacting  
24 you about your question?" And I told her like, "Yeah,  
25 you know, it's very surprising that you guys actually took the



1 time to reach back out to me." Then she said, "Well, hey,  
2 you know, if you have any other questions or need help with  
3 anything or anything like that, give me a call and I'll see  
4 what I can do for you." So I think I picked Chase Bank just  
5 based on my very small relationship with them.

6 *THE COURT:* All right. Probably not the way they had  
7 in mind for you to reach out and touch them, right?

8 *THE DEFENDANT:* Not at all.

9 *THE COURT:* All right. Mr. Mekaru, anything else you  
10 want on the plea? And obviously intimidation is a legal  
11 matter, can run the gamut from very threatening behavior to  
12 less threatening behavior, and we just had a sentencing  
13 involving that, but are you satisfied that the intimidation  
14 element is met here as well as the jurisdictional element?

15 *MR. MEKARU:* Your Honor, I do actually have a copy of  
16 the note that was recovered.

17 *THE COURT:* All right.

18 *MR. MEKARU:* I can read it. It was largely similar  
19 to what Mr. Solis had just described to you. It reads "Give me  
20 \$50,000 unmarked, untraced, no exploding ink. Spendable  
21 dollars in \$100 bills. Do not alert anyone. Do not tell  
22 anyone this happened."

23 *THE COURT:* All right. And so that would fall within  
24 the case law on intimidation certainly?

25 *MR. MEKARU:* Yes, Your Honor.

1           *THE COURT:* Okay. And jurisdictional element, can  
2 you just proffer that?

3           *MR. MEKARU:* Yes, Your Honor. Chase Bank is in fact  
4 and was in fact insured by the FDIC.

5           *THE COURT:* Okay. Satisfied with the overall factual  
6 basis?

7           *MR. MEKARU:* I am, Your Honor.

8           *THE COURT:* And, Ms. Nieuwenhuis, you as well?

9           *MS. NIEUWENHUIS:* I am, Your Honor, yes.

10          *THE COURT:* I am too. I think from what Mr. Solis  
11 has indicated, there is a factual basis to support the plea,  
12 and so with that and the earlier findings of the Court, I will  
13 accept your plea of guilty to the charge. That means you're  
14 judged guilty of the bank robbery offense, leaving only the  
15 question of sentencing.

16          Between now and the sentencing date that we'll get  
17 from Ms. Bourque in a minute, a probation officer of the court  
18 is going to prepare a written summary. It's going to go into  
19 more detail about what happened. It will go into more detail  
20 about you and your history. It will include a guideline  
21 calculation and a sentencing recommendation. And eventually it  
22 will come to me. Before I get it, though, it will go to you  
23 and your lawyer, so please go through it carefully. If you  
24 think there needs to be more context for something, like the  
25 kinds of things you were telling me about a little while ago,

1 or if you think something is just wrong or missing, make sure  
2 you talk to your lawyer about that, because when I get the  
3 document I want it to be as accurate as possible for sentencing  
4 purposes. If there's something you just can't come to terms  
5 with between you, your lawyer, the government lawyer, and  
6 probation, you can bring an issue like that to sentencing.  
7 Flag the disagreement. I'll resolve things like that,  
8 objections or disagreements, at sentencing. I'll hear from you  
9 if you'd like to speak. Any victim of the offense, so the  
10 teller across the bar of the bank, that person will be invited  
11 to speak, though they don't always do it. I'll hear from the  
12 lawyers. And only after all of that is a matter of record will  
13 the Court actually impose sentence. So that's what's left to  
14 do in your case.

15 Do you have any questions about that?

16 *THE DEFENDANT:* No, Your Honor.

17 *THE COURT:* Okay. Do we have a sentencing date we  
18 can leave with the parties?

19 *THE CLERK:* September 18th at 3:00.

20 *THE COURT:* Okay. Mr. Mekaru, anything else today?

21 *MR. MEKARU:* No, Your Honor. Thank you.

22 *THE COURT:* Ms. Nieuwenhuis?

23 *MS. NIEUWENHUIS:* No, Your Honor.

24 *THE COURT:* Okay. Anything else, Mr. Solis?

25 *THE DEFENDANT:* No, Your Honor.

1           **THE COURT:** All right. We'll see you all in  
2           September.

3           **THE CLERK:** Court is in recess.

4           *(Proceeding concluded at 3:30 PM)*

5                           \*   \*   \*   \*   \*

6           I certify that the foregoing is a correct transcript  
7           from the record of proceedings in the above-entitled matter.

8           I further certify that the transcript fees and format  
9           comply with those prescribed by the court and the Judicial  
10          Conference of the United States.

11  
12          Date: September 5, 2024

13  
14                           **/s/ Glenda Trexler**

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16                           Glenda Trexler, CSR-1436, RPR, CRR  
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